



United States Department of Agriculture  
Food and Nutrition Service

Southeast Region

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**Reply to**

July 15, 2004

**Attn. of:** SERO Policy

**Subject:** Policy 210.10-38 Waiver of Requirement for Weighted Averages - Reauthorization 2004:  
Implementation Memo

**To:** National School Lunch Program Directors  
Southeast Region

Section 110 of the Child Nutrition and WIC Reauthorization Act of 2004 amended section 9(f)(5) of the Richard B. Russell National School Lunch Act to extend the waiver of the requirement for weighted averages for nutrient analyses of school lunches and breakfasts. The waiver is extended until September 30, 2009.

This waiver extends to all schools using nutrient analysis, as well as to State Agencies (SAs) conducting independent analysis as part of their ongoing review of schools' compliance with the nutrition standards. It should be noted that the statute applies only to requirements imposed by USDA. The provision does not prohibit SAs from requiring schools to use weighted averages when doing nutrient analysis, nor does it prohibit SAs from using weighted averages when doing nutrient analyses as a part of nutrition reviews of schools using food-based menu planning systems.

We believe weighted analysis to be a more accurate and useful method for doing nutrient analysis since it is based on student selection and, therefore, allows schools, States and federal policy makers to assess whether students are actually making more informed, healthier choices. Once a school or State knows what kind of choices students are making, they are in a better position to modify menus and design nutrition education programs to address any issues revealed by the nutrient analysis.

If you have questions about this memo, please contact this office.

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Acting Regional Director  
Special Nutrition Programs